

not used

of Doc # 750

Summary of alleged secret protocols to Sino-Japanese Treaty of December 22, 1905.

Whereas the protocols of the Conference recently held between the plenipotentiaries of Japan and China with regard to Manchuria are to be kept strictly secret in deference to the desire of the Chinese government, only such portions of those protocols as possess the character of executory agreements are given in the following summary.

1. The railway between Changchun and Yirin will be constructed by China with capital to be raised by herself. She, however, agrees to borrow from Japan the insufficient amount of capital, which amount being about one-half of the total sum required. The contract concerning the loan shall, in due time, be concluded, following, mutatis mutandis, the loan contract entered into between the board of the Imperial Railways of North China and the Anglo-Chinese Syndicate. The term of the loan shall be twenty-five years, redeemable in yearly instalments.

2. The military railway constructed by Japan between Mukden and Hsinkingtun shall be sold to China at a price to be fairly determined in consultation by Commissioners appointed for the purpose by the two governments. China engages to reconstruct the line, making it her own railway, and to borrow from a Japanese corporation or corporations one half of the capital required for the portion of the line east of Liao-ho for a term of eighteen years repayable in yearly instalments, and a contract shall be concluded, for the purpose following, mutatis mutandis, the loan contract entered into between the Board of the Imperial Railways of North China and the Anglo-Chinese Syndicate.

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"All the other military railways in different localities shall be removed with the evacuation of the regions.

"3. The Chinese Government engage, for the purpose of protecting the interest of the South Manchurian Railway, not to construct, prior to the recovery by them of the said railway, any main line in the neighborhood of and parallel to that railway, or any branch line which might be prejudicial to the interest of the above-mentioned railway.

"4. China declares that she will adopt sufficient measures for securing Russia's faithful observance of the Russo-Chinese treaties with regard to the railways which Russia continues to possess in the northern part of Manchuria, and that it is her intention, in case Russia acts in contravention of such treaty stipulations, to approach her strongly with a view to have such action fully rectified.

"5. When in the future, negotiations are to be opened between Japan and Russia for regulation of the connecting railway services (Article VIII of the Treaty of Peace between Japan and Russia), Japan shall give China previous notice. China shall communicate to Russia her desire to take part in the negotiations through commissioners to be despatched by her on the occasion, and Russia consenting shall participate in such negotiations.

"6. With regard to the mines in the Province of Fengtien, appertaining to the railway, whether already worked or not, fair and detailed arrangements shall be agreed upon for mutual observance.

"7. The affairs relating to the connecting services as well as those of common concern in respect of the telegraph lines in the province of Fengtien and the cables between Port Arthur and Yentai

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shall be arranged from time to time as necessity may arise in consultation between the two countries.

8. The regulations respecting the places to be opened in Manchuria, shall be made by China herself, but the Japanese Minister at Peking must be previously consulted regarding the matter.

9. If no objection be offered on the part of Russia respecting to the navigation of the Sungari (by Japanese vessels), China shall consent to such navigation after negotiations.

10. The Chinese plenipotentiaries declare that immediately after the withdrawal of the Japanese and Russian troops from Manchuria China will proceed to take, in virtue of her sovereign right, full administrative measures to guarantee peace in that region and endeavor by the same right, to promote good and remove evil as well as steadily to restore order, so that the residents of that region, natives and foreigners, may equally enjoy the security of life and occupation under the perfect protection of the Chinese Government. As to the means of restoring order, the Chinese Government are to take by themselves all adequate measures.

11. While relations of intimate friendship subsisted as at the present time between China and Japan, Japan and Russia had unfortunately engaged in war and fought in the territory of China. But peace has now been reestablished and hostilities in Manchuria have ceased. And while it is undeniable that Japanese troops, before their withdrawal, have the power of exercising the rights accruing from military occupation, the Chinese Government declare that certain Japanese subjects in Manchuria have recently been observed to sometimes interfere with

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the local Chinese administration and to inflict damage to public and private property of China.

"The Japanese plenipotentiaries, considering that, should such interference and infliction of damage have been carried beyond military necessity, they are not proper acts, declare that they will communicate the purport of the above declaration of the Chinese Government to the Government of Japan, so that proper steps may be taken for controlling Japanese subjects in the province of Fongtien and promote the friendly relations between the two nations, and also for preventing them in future, from interfering with the Chinese administration or inflicting damage to public or private property without military necessity.

"12. In regard to any public or private property of China which may have been purposely destroyed or used by Japanese subjects without any military necessity, the governments of the two countries shall respectively make investigations and cause fair reparation to be made.

"13. When the Chinese local authorities intend to despatch troops for the purpose of subduing native bandits in the regions not yet completely evacuated by Japanese troops, they shall not fail to previously consult with the Commander of the Japanese troops stationed in those regions so that all misunderstandings may be avoided.

"14. The Japanese plenipotentiaries declare that the railway guards stationed between Changchun and the boundary line of the leased territory of Port Arthur and Talienshui, shall not be allowed, before their withdrawal, to unreasonably interfere with the local administration of China or to proceed without permission beyond the limits of the rail-

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*15. Chinese local authorities, who are to reside at Inkou, shall be allowed, even before the withdrawal of the Japanese troops, to proceed to that place and transact their official business. The date of their departure is to be determined, as soon as possible after the definite conclusion of this treaty, by the Japanese Minister to China in consultation with the Waiwpu. As there is still in that place a considerable number of Japanese troops, quarantine regulations as well as regulations for the prevention of contagious diseases, shall be established by the authorities of the two countries in consultation with each other so that epidemics may be avoided.

*16. The revenue of the Maritime Customs at Yingkou shall be deposited with the Yokohama Specie Bank and delivered to the Chinese local authorities at the time of evacuation. As to the revenue of the native customs at that place and the taxes and imposts at all other places, which are to be appropriated for local expenditures, a statement of receipts and expenditures shall be delivered to the Chinese local authorities at the time of evacuation."

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*15. Chinese local authorities, who are to reside at Inkou, shall be allowed, even before the withdrawal of the Japanese troops, to proceed to that place and transact their official business. The date of their departure is to be determined, as soon as possible after the definite conclusion of this treaty, by the Japanese Minister to China in consultation with the Liwupu. As there is still in that place a considerable number of Japanese troops, quarantine regulations as well as regulations for the prevention of contagious diseases, shall be established by the authorities of the two countries in consultation with each other so that epidemics may be avoided.

*16. The revenue of the Maritime Customs at Yingkou shall be deposited with the Yokohama Specie Bank and delivered to the Chinese local authorities, at the time of evacuation, as to the revenue of the native customs at that place and the taxes and imposts at all other places, which are to be appropriated for local expenditures; a statement of receipts and expenditures shall be delivered to the Chinese local authorities at the time of evacuation.

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C E R T I F I C A T E

Statement of Source and Authenticity

I, Hayashi, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 5 pages and entitled "Summary of alleged Secret Protocols to Sino-Japanese Treaty of December 22, 1905." is an exact and true except from "Treaties and Agreements with and Concerning China 1894-1919 MacMurray volume I Manchu Period (1894-1911)" in the custody of Japanese Foreign Office.

Certified at Tokyo,
on this 18th day of March 1947.

/S/ K. Hayashi
Signature of Official

Witness : /S/ K. Urabe

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前

吉長健清

文

所謂千九百五年十二月二十二日ノ
日清條約附屬秘密議定書要領

「マクマレー」條約集ヨリ譯ス

滿洲ニ關シ日本國全權委員及清國全權委員間ニ最近開備セラ
レタル會談ノ議定書ハ清國政府ノ希望ニ基キ體重ニ秘密ヲ保
ツヘキモノナルニ國リ右議定書ノ實施協定タルノ性質ヲ有ス
ル（分ノミノ概要ヲ示スコト左ノ如シ

一、長春及吉林間ノ鐵道ハ清國其ノ自ラ募集シタル資金ヲ以
テ之ヲ建設スヘシ但シ清國ハ所要全額ノ約二分ノ一ニ相當
スル資金ノ不足（ヲ日本ヨリ借入ルコトニ同意ス
二、日本國ノ建設シタル奉天及新民屯耕ノ鐵道ハ清國ニ之ヲ
建設スヘク其ノ價額ハ兩國政府ノ之力爲任今スル奉天及新民
ノ上公正ニ之ヲ決定スヘキモノトス清國ハ之ヲ自取ノ鐵道
ト爲シ以テ線路ヲ改築スルコト並遼河以東ノ鐵道ニ要スル

經理職員

清掃平行線ノ禁止

資金ノ半額ヲ年賦借入十八年ノ期門ヲ以テ日本ノ社ヨリ
借入ルルコトヲ約シ且之カ爲契約ヲ締結スヘクゼノ目的ハ
北清掃隊員及英清掃隊員ニ付セラレタル併敷物細ニ必要
ナル事更ヲ加ヘタルモノナルヘシ
各地方ニ於ケル其ノ地ノ一切ノ官用機械ハ其敷設方ノ實際
勘定ト共ニ之ヲ撤去スヘシ

三、南清掃隊員ノ割合ヲ銀團スル爲清掃政策ハ御座力石鉄道
ヲ回収スル以前ニ於テハ右鐵道ノ附近ニ於テ之ハ之ト平行

シテ其ノ割合ヲ銀フヘキ本額又ハ支給ヲ並セサルコトヲ
細ス

四、清掃ハ清掃北部ニ於テ之ノ割合キ保有スル割合ニ限ス
ル震清條約ヲ遵守カ忠實ニ遵守スルコトヲ並保スル爲充分
ナル機械ヲ執ルコト並清掃カ右後者ノ相対ニ於反スル行動
ヲ禁ル場合ニ於テハ清掃ハ右ノ行動ヲ充分行マスルノ目的
ヲ以テ自ラ御覆ニ置シト交渉スルコトヲ宣誓ス

not used

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當道者
ケル文部
於交涉ニ於
交渉ノ添加

奉天省
山

五、將來ニ於テ接觸會道業ニ門シ日本所取用ニ交渉ヲ
開始スルトキハ（日門相印條約八條）日本所ハ清國ニ豫
告ヲ與フヘシ清國ハ同日カ右ノ場合ニ於テ參照ヲ添送シテ
該交渉ニ添加セシムルノ為故ヲ有スルコトヲ露示ニ通告ス
ヘク既に之ニ同意シタルトキハ右ノ交渉ニ添加スヘシ
六、奉天省ニ於ケル鐵道開拓ノ管山ニ門シテハ其ノ既ニ作業
中ナルト否トヲ問ハス公正ニシテ詳細ナル取扱ヲ協定シ相
互ニ之ヲ遵守スヘシ

總務部
二四ス
ル取扱

七、右總務業事ニ門シアル總務故奉天省ニ於ケル鐵道及該
芝罘開港場信號ニ門スル共門口門ノ取扱ハ必與ノ生ス
ルニ於ヒ門時開口門ニ於テ橋門ノ上之ヲ取扱ムヘシ

關埠對規則

八、清洲ニ於テ開港アルヘキ埠頭ニ門スル規則ハ即ち自ラ之ヲ
既定スヘシ但シ清洲開港日本財公使ハ前ニ該件ニ關シ協
議ヲ受クヘキモノトス

九、松花江ノ航行（日本船ニ依ル）ニ門シ清洲開港より六月ノ

松花江航行

洲ニ於ケル 支那
治安保持

日本 支那方判録
漢書

十、清に公使奉日ハ日本宣及體制ノ滿洲於滿洲ヲ清
國力數地方ニ於ケル公安ヲ保障スル爲旨ノ主張ニ於キ充分
ナル故政上ノ擧置ヲ執ルコトヲ願合スヘク且右主張ニ於キ
萬ヲ助長シ羅ヲ除去シ故ヨフ而リ國安ニ秩序ヲ恢復スル儀
努力スヘク以テ據地方ノ居住ヲシテせノ自國人タルトヲ
聞ハス均能ニ清國政府ノ完全ナル保護ノ下ニ止命及職業ノ
保全ヲ享受スルヲ祝シムルコトヲ宣言ス

十一、日本國開港ニ於テハ現在ト開港ノ交換ノ在シタリ
シモ日得利ハ不幸ニシテ開港ヲ售シ於彼國領内ニ於テ更
數シタリ然レトモ今ヤ平和克復シテ滿洲ニ於ケル對外行為
ハ終結シタリ而シテ日本實力其ノ撤退前ニ於テ實力占領
ヨリ生スル對利ヲ行使スルノ權利ヲ有スルコトハ之ヲ否認
スルヲ特スト雖モ清國政府ハ滿洲在留日本臣民中ニ清屬ノ
地方施政ニ畔トシテ干渉シ且清財ノ公私有財產ニ損害ヲ與

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鉄道守備隊

財産ノ損害ニ對ス
ル賠償土匪討伐軍トロ
軍トノ協議

ヘタルモノアルコト附近ニ於テ觀メラレタルコトヲ宣言ス
右ノ干渉スルコト及損害ヲ與フルコトカ事實上ノ必要ヲ超
エテ行ハレタルトキハ右ハ道徳ノ行爲ニ非サルニ因リ日本
全體委員ハ清國政府ノ前項ノ宣言ノ趣旨ヲ日本政府ニ
通告シ以テ奉天台ニ於ケル日本臣民ヲ統制シ且兩國間ノ親
交關係ヲ増進シ又日本臣民ヲシテ將來ニ於テ實事上ノ必要
ナクシテ清國ノ施設ニ干渉シ又ハ公私有財産ニ損害ヲ加ヘ
サラシムル爲適當ノ措置ヲ執ルヲ想シムヘシ

十二、軍事上ノ必要ナクシテ日本臣民ノ故意ニ破壊シ又ハ使
用シタル清國ノ公私有財產ニ關シテハ兩國政府ハ相互ニ調
査ヲ爲スヘク且公正ナル賠償ヲ爲スヘシ

十三、清國地方官憲カ日本軍隊ノ未タ完全ニ撤退セサル諸地
方ニ於ケル土匪討伐ノ爲軍隊ヲ派遣セムトスルトキハ右官
憲ハ該地方ニ駐在スル日本軍隊ノ司令官ト並メ協同ヲ達ケ
以テ一切ノ誤解ヲ避クルコトヲ要ス

十四、日本全體委員ハ長春ト旅順大連租借地境界トノ間ニ

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支那官憲ノ移轉

在スル鐵道守備隊カ其ノ撤退前ニ於テ清國ノ地方施政ニ不當ニ干涉シ又ハ鐵道附屬地外ニ進出スルヲ得サルコトヲ宣言ス

營口海關收入

十五、營口ニ所在スヘキ清國ノ地方官憲ハ日支軍隊撤退前ト雖右ノ地ニ移轉シテ其ノ公務ヲ執ルコトヲ得ヘシ
右ノ移轉ノ日ハ本條約ノ確定締結後既フ限リ速ニ清國勝利日本朝公使外交部ト協議ノ上之ヲ決定スヘキモノト該地ニハ清多賀ノ日支軍隊在スルニ依リ兩國ノ官守ハ相互ニ協議シタル上檢疫規則及傳染病預防規則ヲ設ケ以テ流行病ヲ避ケルコトトスヘシ

十六、營口海關ノ收入ハ橫濱正金銀行ニ之ヲ預入レ且撤退ノ際清國地方官憲ニ之ヲ引渡スヘン地方債ニ充當セラルヘキ該地方ノ常關收入及其ノ他ノ一切ノ地方ノ租稅ニ關シテハ撤退ノ際收入及支出ノ説明書ヲ支那地方官憲ニ引渡スヘシ